

PROCEDURAL GUIDE
RECREATIONAL TRAILS PROGRAM
MOTORIZED

Under the

**TRANSPORTATION EQUITY ACT
FOR THE 21st CENTURY**



*State of California - Resources Agency
Department of Parks & Recreation*

May 2002

RTM GRANT GUIDE IN PROGRESS-5-24-02.doc H:/RTM forms 2002

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INTRODUCTION

The Recreational Trails Program (RTP) provides funds for recreational trails and trails-related projects. The procedural guide contains program information and application materials. The guide may be viewed at the Department's webpage at www.cal-parks.ca.gov.

The RTP is administered, at the federal level, by the Federal Highway Administration (FHWA). It is administered at the state level, by the California Department of Parks and Recreation (DPR). Nonmotorized projects are administered by the Department's Planning and Local Services Section. Motorized projects are administered by the Department's Off-Highway Motor Vehicle Recreation Division.

For **nonmotorized projects**, send applications and/or correspondence to:

California Dept. of Parks and Recreation
Planning and Local Services Section
P. O. Box 942896
Sacramento, CA 94296-0001
Telephone (916) 653-7423
FAX (916) 653-6511

For the **motorized projects**, send applications and/or correspondence to:

California Dept. of Parks and Recreation
Off-Highway Motor Vehicle Recreation Division
(Address same as above)
Telephone (916) 324-1567
FAX (916) 324-1610

DISTRIBUTION OF FUNDS

Nationwide, \$30 million is available for Federal Fiscal Year 1998, \$40 million in Fiscal Year 1999 and \$50 million a year for Fiscal Years 2000 through 2003. California's share is expected to be approximately \$2 million in FY1998, \$2.7 million in FY1999, and \$3.5 million in FY2000 through FY2003.

For non-motorized projects, seventy percent (70%) of the funds received by California will be available on a competitive basis to cities, counties, districts, state agencies, and nonprofit organizations with management responsibilities over public lands. At least one-half of the funds for non-motorized trails will be available only to cities, counties, districts and nonprofit organizations with management responsibilities over public lands. For motorized projects, thirty percent (30%) of the funds will be available on a

competitive basis to cities, counties, districts, state agencies, and nonprofit organizations with management responsibilities over public lands.

Each state shall allocate not less than 40 percent (40%) of the moneys received to trails that provide for diversified trail use. Diversified trails provide for the greatest number of compatible uses or innovative recreational trail corridor sharing to accommodate motorized and nonmotorized recreational trail use.

ELIGIBLE APPLICANTS

Cities, counties, districts, state agencies and nonprofit organizations with management responsibilities over public lands are eligible. A nonprofit organization is deemed to have management responsibilities over public lands when a written agreement exists between the nonprofit organization and a public land management agency that identifies the nonprofit organization's responsibilities over public lands to include either planning, development or construction, acquisition, operations, or maintenance of trails or trails related facilities.

Applicants must have adequate tenure to the property to be improved with grant funds, either by ownership, lease, or other long-term interest in the property. The length of the tenure must be sufficient to complete the project and to meet the program requirements for ongoing maintenance and operations. For capital expenditure projects (permanent additions or improvements to property), the total tenure requirements are ten years for grants of less than \$100,000, fifteen years for grants between \$100,000 and \$200,000, and twenty years for grants over \$200,000. With the approval of the California Department of Parks and Recreation, the applicant may transfer the responsibility to maintain and operate the property to a public agency. If the applicant's tenure is less than the time required, the public agency that assumes operations responsibility for the remaining time must do so in writing.

For non-capital expenditures projects (maintenance, equipment purchase, safety education), the length of the applicant's tenure, if applicable, must be sufficient to complete the proposed project and justify the investment of grant funds. For equipment purchases over \$30,000, the tenure requirement is ten years. **Only motorized projects are eligible for non-capital expenditures.**

PERMISSIBLE USES

Under the RTP, funds may be used for:

1. Maintenance and restoration of existing recreational trails; * **(motorized projects)**
2. Development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails;

3. Purchase and lease of recreational trail construction and maintenance equipment; * **(motorized projects)**
4. Construction of new recreational trails, except that, in the case of new recreational trails crossing Federal lands, construction of the trails shall be:
 - (a) permissible under other law;
 - (b) necessary and required by a statewide comprehensive outdoor recreation plan that is required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460/-4 et seq.) and that is in effect;
 - (c) approved by the administering agency of the State designated under subsection (c)(1); and
 - (d) approved by each Federal agency having jurisdiction over the affected lands under such terms and conditions as the head of the Federal agency determines to be appropriate, except that the approval shall be contingent on compliance by the Federal agency determines to be appropriate, except that the approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 1600 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)
5. Acquisition of easements and fee simple title to property for recreational trails or recreational trail corridors;
6. Operation of educational programs to promote safety and environmental protection as those objectives relate to the use of recreational trails, but in an amount not to exceed 5 percent of the apportionment made to the State for the fiscal year. * **(motorized projects)**

* **State law, Chapter 964, places further limits on the use of funds for non-motorized trails. At least one-half of the funds for non-motorized trails shall be grants to cities, counties, districts, and nonprofit organizations for the acquisition and development of new trails and reconstruction and relocation of existing trails. Maintenance (at #1), purchase of equipment (at #3), and educational programs (#6) are, therefore, not permissible uses for non-motorized projects.**

USES NOT PERMITTED

1. Condemnation of any kind of interest in property;
2. Construction of recreational trails on Bureau of Land Management or National Forest System lands for motorized use unless such lands;

- (a) have been allocated for uses other than wilderness by an approved agency resource management plan or have been released to uses other than wilderness by an Act of Congress, and
 - (b) such construction is otherwise consistent with the management direction in such approved land and resource management plan;
- 3. Upgrading, expanding or otherwise facilitating motorized use or access to trails predominantly used by non-motorized trail users, and on which, as of May 1, 1991 motorized use is either prohibited or has not occurred.
- 4. RTP funds are not to be used for improvements to roads and/or bridges generally accessible by low clearance passenger vehicles (regular passenger cars) nor for paths and sidewalks adjacent to public roads and streets.

IMPORTANT POINTS

- 1. Project costs are eligible only if they are incurred after the project has been approved and the funds are appropriated in the State Budget. After approval, you should wait until you receive a fully executed contract before starting your project.
- 2. Projects that involve new construction or renovation of facilities must provide access in accordance with the Americans with Disabilities Act (ADA).
- 3. All applications shall comply with the National Environmental Policy Act of 1969 (NEPA), California Environmental Quality Act of 1970 (CEQA), the National Historic Preservation Act of 1966, and the Endangered Species Act of 1973.
- 4. Grant funds will be paid on a reimbursement basis.
- 5. The RTP requires a match. The share attributable to RTP may not exceed 80 percent of the cost of the project. Funds from federal sources, other than the Department of Transportation, may be attributed to the project, which could bring the total federal share to 95 percent. The grant recipient must provide the remaining project amount from a non-federal source.
- 6. Property acquired under the program must comply with provisions of Chapter 16, Sec. 7260 of Div. 7, et seq. Grant recipients are required to certify to the adequacy of their acquisition process.
- 7. For development projects, grant recipients are required to certify that their construction plans comply with applicable contract, health and safety, and access requirements.
- 8. Up to 20% of the grant amount may be expended for nonconstruction costs such

as preparation of plans and specifications, acquisition documents, and directly related administration costs.

9. The funding for your project cannot be changed to a different site without DPR approval.
10. This program is subject to the Single Audit of 1984. AVOID AUDIT EXCEPTIONS - KEEP ACCURATE RECORDS OF ALL EXPENDITURES.

APPLICATION PROCEDURES

When to Apply

Applications for the next funding cycle must be postmarked or delivered to the address(s) shown on page 1 no later than October 1, 1999. Thereafter, the annual application deadline will be the first business day in October, through FY 2002.

What to Submit

A complete application consists of one copy each of the items listed on the back of the Application Form (Appendix A).

The justification for the project is addressed in the project proposal (Appendix B).

Selection and Notification

DPR will review each project application, and make final recommendations for selection. Applicants will be notified of the final selections approximately three months after the application deadline.

Match Requirement

The share attributable to the RTP may not exceed 80 percent. However, funds from federal sources other than the Department of Transportation may be attributable to the project, bringing the total federal share allowable to 95 percent. The local match must be from a non-federal source. The local match may include local, state, or private funds, as well as materials and services.

PROJECT ADMINISTRATION

Normal Grant Process

1. Applicant completes and submits applications to DPR.
2. DPR evaluates and selects projects for funding.
3. DPR sends a contract to grant recipient. Grant recipient returns the signed contract to DPR. DPR sends a fully executed contract, project completion packet, and acquisition/development certification forms to grant recipient.
4. State Staff works with the Office of Historic Preservation and grant recipient to complete approval process (SHPO Memorandum of Understanding), if applicable.
5. Grant recipient submits acquisition and/or development certification form(s) to DPR for review and approval.
6. DPR notifies grant recipient of approval of certification.
7. Grant recipient commences work on the project and may submit payment request for reimbursement of project expenditures prior to completion.
8. After completion of the project, the grant recipient submits Project Completion Packet (Appendix F).
9. State staff makes final project inspection and processes the final payment.

Changes to Project Scope

Major scope changes will normally not be approved for competitive projects. Minor modifications may be allowed, as long as the project meets the intent for which the funds were granted. Written justification must be submitted to DPR for approval.

Time Extension

The grant recipient is expected to complete the project in the time identified in their project proposal. However, each contract will have a project performance period of four years to allow for unexpected events. An extension of the four year performance period is unlikely.

Executed Agreements

The grant recipient and the state must sign the grant agreement within 3 years of the appropriation of funds.

Payment of Grant Funds

Payment will be on a reimbursement basis. The grant recipient may request progress payments as the project proceeds or request the total grant amount upon completion of the project.

When requesting payments, the grant recipient must demonstrate that costs have been incurred, including the match. Documentation should include warrant numbers, amounts, dates, recipients, and purpose of expenditures. Refer to the Project Cost Summary Form in the Project Completion Packet (Appendix F).

Grant recipients should allow four to six weeks to receive payment after submitting request. **When completing the payment request forms, please round all figures to the nearest dollar.**

Acquisition/Development Procedures

DPR will not review construction plans for development projects nor acquisition documents for acquisition projects. Grant recipients will be required to certify to the adequacy of their development/acquisition process. The appropriate certification forms will be sent to the grant recipient, along with the contract, after the project has been approved and the funds appropriated. The grant recipients should return the forms and await DPR approval prior to commencing work on the project.

Accounting Requirements

The grant recipient must maintain an accounting system that accurately reflects fiscal transactions, with the necessary controls and safeguards. Grant recipients should provide good audit trails, especially the source of original documents such as receipts, progress payments, invoices, time cards, etc. The system must also provide accounting data so the total cost of each individual project can be readily determined. These records must be retained for a period of three years after final payment is made by the state. **AVOID AUDIT EXCEPTIONS - KEEP ACCURATE RECORDS (for all expenditures including matching funds).**

Eligible Costs

Only project -related costs incurred during the project performance period specified in

the contract are eligible for reimbursement. All such costs must be supported by appropriate documentation. Up to 20% of the grant funds may be spent on eligible non-construction or non-acquisition costs such as preparation of plans and specifications and appraisals.

1. Personnel or employee services - Services of the applicant's employees or volunteers directly engaged in project execution are eligible costs. These costs must be computed according to the applicant's prevailing wage or salary scales, and may include fringe benefit costs such as vacation, sick leave and social security contributions that are customarily charged to the applicant's various projects. Costs charged to the project must be computed on actual time spent on a project, and supported by time and attendance records describing the work performed on the project. Overtime costs may be allowed under the applicant's established policy, provided that the regular work time was devoted to the same project.

Salaries and wages claimed for employees working on grant funded projects must not exceed the applicant's established rates for similar positions.

2. Consultant services - The costs of consultant services necessary for the project are eligible. Consultants must be paid by the customary or established method and rate of the applicant. No consultant fee may be paid to the applicant's own employees without prior state approval.
3. Construction equipment - Equipment owned by the grant recipient may be charged to the project for each use. Equipment use charges must be made in accordance with the applicant's normal accounting practices. The equipment rental rates published by the State Department of Transportation may be used as a guide.

If the applicant's equipment is used, a report or source document must describe the work performed, indicate the hours used and relate the use to the project.

Where the purchase of equipment is permissible, the full purchase costs of the equipment is eligible. Where the purchase of equipment is not permissible, the residual market value of the equipment must be credited to the project costs upon completion.

4. Construction supplies and materials - Supplies and materials may be purchased for a specific project or may be drawn from a central stock, provided they are claimed at a cost no higher than that paid by the grant recipient. Supplies and materials purchased for the construction of a piece of equipment, a structure or a part of a structure, may be charged to the project. If charged, only that cost incurred during the project performance period and attributed to the project may be claimed.

5. Signs and interpretive aids - The cost of signs, display boards, or other minor interpretive aids relating to the project are eligible.
6. Construction - The cost of all necessary construction activities, from site preparation (including demolition, excavation, grading, etc.) to the completion of a structure or facility is eligible.
7. Acquisition - Costs of acquiring real property are eligible and may include the purchase price of the property, appraisals, surveys, preliminary title reports, escrow fees, title insurance fees.
8. Relocation costs - Relocation costs are allowable for projects that result in displacement on any person and/or business. The applicant must comply with the requirements of the State Relocation Act (Chapter 16 Government Code, Section 7260 et seq.) if applicable, even if relocation costs are not claimed for reimbursement.
9. Non-Fixed Equipment - The purchase of non-fixed equipment, such as snow grooming tractors or off-highway patrol vehicles, is eligible only for maintenance projects and environmental protection or safety education programs.
10. Other expenditures - In addition to the major categories of expenditures, reimbursements may be made for miscellaneous costs necessary for execution of the project. Some of these costs are:
 - a. Communications (such as telephone, telegrams, letters, etc.);
 - b. Premiums on hazard and liability insurance to cover personnel and/or property;
 - c. Work performed by another section or department of the applicant's agency; and
 - d. Transportation costs for moving equipment and/or personnel.

Ineligible Costs

- a. A cost incurred outside the project performance period as specified in the Project Agreement.
- b. An interest expense, discount not taken, deficit or overdraft, or bonus payment.
- c. Changes for a contingency reserve or other similar reserve.
- d. A damage judgment against the grantee arising from the operation, acquisition, construction, or equipping of an area or trail whether determined by judicial process, arbitration, negotiation, etc.

- e. Unapproved contract cost overruns that exceed the allowable amount identified in the Project Agreement.
- f. Workers' compensation claims of grantee workers.
- g. Travel claimed when no work time was claimed for the same period.
- h. Employee relocation (moving expenses resulting for duty station or assignment change).
- i. Changes incurred contrary to the policies and practices of the grantee.
- j. Services, material, or equipment obtained under any other state program.

PROJECT COMPLETION

See Appendix F, Project Completion Packet, for complete list of the items that must be submitted to close a project and receive final payment.

AUDIT

The Recreational Trails Program is subject to the provision of the Single Audit Act of 1984, P.L. 98-502. It focuses on your jurisdiction as a grant recipient, rather than on individual projects.

The Single Audit Act requires:

1. Local governments that receive more than \$100,000 of federal financial assistance a year shall have an audit conducted in accordance with OMB Circular No. A-128.
2. Local governments that receive between \$25,000 and \$100,000 of federal assistance a year shall have an audit conducted in accordance with OMB Circular A-128, or in accordance with federal laws and regulations governing the programs in which they participate.
3. Local governments that receive less than \$25,000 of federal financial assistance a year shall be exempt from compliance with the act, and other federal audit requirements.

Federal financial assistance includes funds received from all federal sources and not limited to the Recreational Trails Program.

The audit shall be conducted by an independent auditor in accordance with generally accepted government auditing standards. It shall be done annually unless a jurisdiction has, by January 1, 1987, a constitutional or statutory requirement for less frequent audits, in which case biennial audits are permitted.

The Single Audit Act provides for cognizant agencies to oversee implementation of

OMB Circular A-128. In most cases the agency for a jurisdiction will be the federal agency that provides the most funds. The cognizant agency has a number of responsibilities, including providing technical advice and liaison to local governments and to independent auditors.

APPENDIX A

APPLICATION FORM

State of California
DEPARTMENT OF PARKS AND RECREATION
RECREATIONAL TRAILS PROGRAM APPLICATION

This Form and Required Attachments Must Be Submitted for Each Project Site

PROGRAM TYPE: Check Appropriate Boxes <div style="text-align: center;"><input type="checkbox"/> Non-Motorized</div> <div style="text-align: center;"><input type="checkbox"/> Motorized</div> PROJECT NAME	APPLICANT TYPE <div style="text-align: center;"><input type="checkbox"/> Municipal <input type="checkbox"/> State</div> <div style="text-align: center;"><input type="checkbox"/> Non-Profit</div> AMOUNT OF GRANT REQUESTED <div style="text-align: right;">\$</div> ESTIMATED TOTAL PROJECT COST (State Grant and other funds) \$ ESTIMATED DATE OF COMPLETION		
APPLICANT Agency and address, include zip code	<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; padding: 2px;">COUNTY OF PROJECT</td><td style="width: 50%; padding: 2px;">NEAREST CITY</td></tr></table>	COUNTY OF PROJECT	NEAREST CITY
	COUNTY OF PROJECT	NEAREST CITY	
	PROJECT ADDRESS		
	<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; padding: 2px;">NEAREST CROSS STREET</td><td style="width: 50%; padding: 2px;">CONGRESSIONAL DISTRICT</td></tr></table>	NEAREST CROSS STREET	CONGRESSIONAL DISTRICT
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<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; padding: 2px;">SENATE DISTRICT NO.</td><td style="width: 50%; padding: 2px;">ASSEMBLY DISTRICT NO.</td></tr></table>	SENATE DISTRICT NO.	ASSEMBLY DISTRICT NO.	
SENATE DISTRICT NO.	ASSEMBLY DISTRICT NO.		
<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 30%; padding: 2px;">COUNTY OF APPLICANT</td><td style="width: 70%;"></td></tr></table>	COUNTY OF APPLICANT		
COUNTY OF APPLICANT			

Person with day-to-day responsibility

NAME	TITLE	PHONE
Description of Project (include types of facilities)		

For Development Projects Land Tenure-Project is _____ acres

☐ Public Land ☐ Private Land ☐ Acres owned in fee simple by Grant Applicant

☐ Acres available under a _____ year lease ☐ Acres other interest (explain) _____

I certify that the information contained in this project application form, including required attachments, is accurate.

Signed _____
Grant Applicant's Authorized Representative as shown in Resolution Date

IMPORTANT

An application for grant funds consist of one copy of each of the following:

1. Application Form.
2. Authorizing Resolution from governing body. (Doesn't pertain to State agencies)
3. Environmental Compliance (either a, b, or c)
 - a. Notice of Exemption stamped by the county clerk, and Federal Environmental Certification Form;
 - b. Negative Declaration and initial study including the checklist and Notice of Determination stamped by the county clerk with State Clearinghouse response and Federal Environmental Certification Form;
 - c. Final EIR with initial study including the checklist and Notice of Determination with State Clearinghouse response and Federal Environmental Certification Form.
4. Project location map (city or county) with enough detail to allow a person unfamiliar with the area to locate the project.
5. For development projects, evidence of adequate land tenure (lease, joint powers agreement, etc.)
6. Site plan (development projects).
7. Cost Estimate (development/maintenance/environmental projects).
8. Acquisition map showing exterior boundaries and parcel numbers.
9. Acquisition Schedule of each parcel to be acquired (acquisition projects).
10. List other sources of funds to be used for the project (include in-kind values).
11. Other required permits.
12. All leases, agreements, etc., affecting project lands or the operation and maintenance thereof.
13. Completed project proposal.
14. Photos of project site.
15. Articles of incorporation if non-profit applicant.
16. Completed SHPO Memorandum of Understanding.

APPENDIX B

PROJECT PROPOSAL

PROJECT PROPOSAL

The information provided in the project proposal will permit the Department of Parks and Recreation (DPR) to evaluate competing grant proposals. In addition to striving for objectivity and uniformity in the application of the ranking criteria, DPR will make every effort to ensure an equitable and geographic spread of grant funds throughout the state.

Please provide a written proposal answering each question or statement as it pertains to your project in the order presented in the following outline. Cite studies, reports or other data that support your application.

A. NEED FOR THE PROJECT: (60 Points)

1. Describe the deficiency of similar opportunities in the project area.

Projects that enhance trail opportunities or provide immediate impacts on the quality, quantity or variety of recreational opportunities and experiences provided in the area will receive higher priority.

2. Who will be served by this project and what is the estimated use?

Expanded trail use by diverse populations, including special and economically disadvantaged populations, will receive higher priority. High use will receive higher priority. Projected visitation figures should be cited.

3. Is your project supported by others (non-profit groups, public agencies, or citizen groups)? If so, attach letters of support. Is there additional support for the project (outside funding, donated materials, volunteer labor, trail patrols)?

Projects with broad community support will receive higher priority. The project should respond to citizen identified needs or display citizen support for the idea.

4. How is the project consistent with Statewide Comprehensive Outdoor Recreation Plan (SCORP), Statewide Trails Plan, city, county, or regional master plan or the applicant's general plan.

Higher priority will be given to projects that are consistent with state and/or local plans.

5. How will this project connect or compliment other trails or result in the development of urban trail linkages near homes and workplaces?

Trails which enhance the quality and quantity of recreational opportunities and link with other trails available in the community or region will receive higher priority.

6. Are there additional points of interest that contribute to the project (historic, cultural, geographical or scenic)?

Projects providing natural, cultural, historic or scenic characteristics will receive a higher priority.

7. Describe how the project provides for diversified recreational uses and/or trail corridor sharing?

Projects meeting the highest demonstrated demand in terms of compatible trail uses will receive higher priority.

8. Does your project provide additional benefits, like minimizing the impacts of current trail use to the environment, opportunities for commuting, etc.?

B. ACCESS (20 Points)

1. Describe the available access to the project site (public transportation, bicycle lanes, staging areas, etc.) and/or how the project will improve access.

Higher priority will be given to projects with the following attributes:

- a. Projects that are easily accessible to all users;
- b. Projects presenting few limiting barriers such as flood control channels or major thoroughfares; and/or
- c. Projects which have onsite or close-by parking or that are accessible through public transportation.

2. Describe the degree to which your project provides trail linkages near homes, workplaces and other recreational open space.

Projects which provide linkages near homes and work places; to parks, trails, greenways, scenic corridors; or natural, cultural, historical or recreation areas will receive higher priority.

C. ORGANIZATIONAL CAPABILITY

(10 Points)

1. Discuss your capability for developing, operating, or maintaining trail projects or similar projects.

Those applicants with resources available or similar experiences in project administration will receive higher priority. Cooperative agreements with qualified youth conservation or services corps to perform construction and maintenance of recreational trails are encouraged.

D. PROJECT READINESS

(10 Points)

1. How soon can the project start after the funds become available?

Applications that display the ability to start the project immediately will receive higher priority.

Development projects without land tenure will not be considered.

Acquisition projects without a willing seller will not be considered.

APPENDIX C

SAMPLE RESOLUTION

SAMPLE RESOLUTION

Resolution No: _____

RESOLUTION OF THE (Title of Governing Body/City Council, Board of Supervisors) OF (City, County, District Applicant) APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE RECREATIONAL TRAILS PROGRAM

WHEREAS, the Transportation Equity Act For The 21st Century provides funds to the State of California for grants to state, local and non-profit organizations to acquire, develop and/or maintain motorized and non-motorized trail purposes; and

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures governing project application under the program; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of application(s) before submission of said application(s) to the State; and

WHEREAS, the applicant will enter into an agreement with the State of California to complete the project(s);

NOW, THEREFORE, BE IT RESOLVED that the (Title of Governing Body) hereby:

1. Approves the filing of an application for the Recreational Trails Program; and
2. Certifies that said applicant has or will have available prior to commencement of any work on the project(s) included in this application, sufficient funds to operate and maintain the project(s); and
3. Appoints the (Title - not name) as agent of the (Applicant) to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

Approved and Adopted the ____ day of _____, 19____.

I, the undersigned, hereby certify that the foregoing Resolution Number ____ was duly adopted by the (Governing Body) following roll call vote:

Ayes:

Noes:

Absent:

(Clerk)

APPENDIX D

CONTRACT

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

GRANT CONTRACT
RECREATIONAL TRAILS PROGRAM

APPLICANT _____

PROJECT TITLE _____ PROJECT NUMBER _____

PROJECT PERFORMANCE PERIOD IS _____

Under the terms and conditions of this agreement, the applicant agrees to complete the project as described in the project description, and the State of California, acting through its Director of Parks and Recreation pursuant to the Recreational Trails Program, agrees to fund the project up to the total state grant amount indicated.

PROJECT DESCRIPTION

Total State Grant not to exceed \$ _____ (or 80% of project costs, whichever is less)

Applicant	The General Provisions attached are made a part of and incorporated into the Agreement
By _____ (Signature of Authorized Representative)	
Title _____	
Date _____	
By _____	
Title _____	By _____
Date _____	Date _____

CERTIFICATION OF FUNDING

AMOUNT OF ESTIMATE		CONTRACT NUMBER	PROJECT NO.	FUND RECREATIONAL TRAILS PROGRAM		
\$						
ADJ. INCREASING ENCUMBRANCE		APPROPRIATION				
\$						
ADJ. DECREASING ENCUMBRANCE		ITEM CALSTARS VENDOR NO.				
\$						
UNENCUMBERED BALANCE		LINE ITEM ALLOTMENT		CHAPTER	STATUTE	FISCAL YEAR
T.B.A. NO.	B.R. NO.	INDEX	OBJ. EXPEND	PCA		PROJECT/WORK PHASE
		1091	702			
I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance.				T.B.A. No.		B.R. No.
SIGNATURE OF ACCOUNTING OFFICER ▶				DATE		

**State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION**

RECREATIONAL TRAILS PROGRAM

Special Provisions

Grant Recipient agrees that lands acquired with grant moneys shall not be acquired through the use of eminent domain

GENERAL PROVISIONS

A. Definitions

1. The term "State" as used herein means the California State Department of Parks and Recreation.
2. The term "Act" as used herein means the Transportation Equity Act For The 21st Century.
3. The term "Project" as used herein means the project which is described on page 1 of this contract.
4. The term "Grant Recipient" as used herein means the party described as grant recipient on page 1 of this contract.
5. The term "Application" as used herein means the individual application and its required attachments for grants pursuant to the Recreational Trails Program.

B. Project Execution

1. Subject to the availability of grant moneys in the Act, the State hereby grants to the Grant Recipient a sum of money (grant moneys) not to exceed the amount stated on page 1 (or 80% of the project costs, whichever is less) in consideration of and on condition that the sum be expended in carrying out the purposes as set forth in the Description of Project on page 1 and under the terms and conditions set forth in this contract.

Grant Recipient agrees to assume any obligation to furnish any additional funds that may be necessary to complete the project. Any modification or alteration in the project as set forth in the application on file with the State must be submitted to the State for approval.

2. Grant Recipient agrees to complete the Project in accordance with the time of project performance set forth on page 1, and under the terms and conditions of this contract.
3. Grant Recipient shall comply as lead agency with the California Environmental Quality Act (Public Resources Code, Section 21,000 et. seq. and the National Environmental Policy Act.
4. Grant Recipient agrees to permit periodic site visits by the State including a final inspection upon Project completion.

5. Grant Recipient agrees to submit all significant deviations from the Project to the State for prior approval.
6. If the Project includes acquisition of real property, Grant Recipient agrees to comply with Chapter 16 (commencing with Section 7260 et seq.) and any applicable federal, state, or local laws or ordinances. Documentation of such compliance will be made available for review upon request by the State.
7. Grant Recipient agrees to provide for reasonable public access to lands acquired in fee with grant moneys except where that access may interfere with habitat protection.

C. Project Costs

The grant moneys to be provided Grant Recipient under this contract may be disbursed as follows:

1. If the Project includes acquisition of real property, the State may disburse the amount of the State approved purchase price together with State approved costs of acquisition, but not to exceed in any event the grant amount set forth on page 1 of this contract.
2. If the Project includes development, completion of the Project or any phase or unit thereof, State may disburse to Grant recipient upon receipt and approval by State of a statement of incurred costs from Grant Recipient, the amount of such approved incurred costs shown on such statement, not to exceed the State grant amount set forth on page 1 of this contract, (or 80% of the project costs, whichever is less) or any remaining portion of such grant amount to the extent of such statement.

The statements to be submitted by Grant Recipient shall set forth in detail the incurred or estimated cost of work performed or to be performed on development of the Project and whether performance will be by construction contract or by force account. Statements shall not be submitted more frequently than ninety-day periods unless otherwise requested by State.

D. Project Costs

1. Grant Recipient agrees to promptly submit such reports as the State may request.

In any event Grant Recipient shall provide State a report showing total final Project expenditures.
2. Grant Recipient agrees that property and facilities acquired or developed pursuant to this contract shall be available for inspection upon request by the State.
3. Grant Recipient agrees that income earned by the Grant Recipient from a State approved non-recreational use on the Project shall be used for recreational purposes at the project, or, if approved by State, for recreational purposes within the Grant Recipient's jurisdiction.

E. Project Termination

1. Grant Recipient may unilaterally rescind this contract at any time prior to the commencement of the Project. After Project commencement this contract may be rescinded, modified or amended by mutual agreement in writing.
2. Failure by Grant Recipient to comply with the terms of this contract or any other contract under the Act may be cause for suspension of all obligations of the State hereunder.
3. Failure of the Grant Recipient to comply with the terms of this contract shall not be cause for the

suspension of all obligations of the State hereunder if in the judgement of the State such failure was due to no fault of the Grant Recipient. In such case, any amount required to settle at minimum cost any irrevocable obligations properly incurred shall be eligible for reimbursement under this contract.

4. Because the benefit to be derived by the State, from the full compliance by the Grant Recipient with the terms of this contract, is the preservation, protection and net increase in the quantity and quality of parks, public recreation facilities and/or historical resources available to the people of the State of California and because such benefit exceeds to an immeasurable and unascertainable extent the amount of money furnished by the State by way of grant moneys under the provisions of this contract, the Grant Recipient agrees that payment by the Grant Recipient to the State of an amount equal to the amount of the moneys disbursed under this contract by the State would be inadequate compensation to the State for any breach by the Grant Recipient of this contract. The applicant further agrees therefore, that the appropriate remedy in the event of a breach by the Grant Recipient of this contract shall be the specific performance of this contract, unless otherwise agreed to by the State.
5. Grant recipient agrees that if the Project includes development, final payment may not be made until the Project conforms substantially with this contract and is a usable recreation facility.

F. Hold Harmless

1. Grant Recipient agrees to waive all claims and recourse against the State including the right to contribution for loss or damage to persons or property arising from, growing out of or in any way connected with or incident to this contract except claims arising from the concurrent or sole negligence of State, its officers, agents, and employees.
2. Grant Recipient agrees to indemnify, hold harmless and defend State, its officers, agents and employees against any and all claims demands, damages, costs, expenses or liability costs arising out of the acquisition, development, construction, operation or maintenance of the property described as the Project which claims, demands or causes of action arise under Government Code Section 895.2 or otherwise except for liability arising out of the concurrent or sole negligence of State, its officers, agents, or employees.
3. Grant Recipient agrees that in the event State is named as codefendant under the provisions of Government Code section 895 et seq., the Grant Recipient shall notify State of such fact and shall represent State in the legal action unless State undertakes to represent itself as codefendant in such legal action in which event State shall bear its own litigation costs, expenses, and attorney's fees.
4. Grant Recipient and State agrees that in the event of judgment entered against the State and Grant Recipient because of the concurrent negligence of the State and Grant Recipient, their officers, agents, or employees, an apportionment of liability to pay such judgement shall be made by a court of competent jurisdiction. Neither party shall request a jury appointment.
5. Grant Recipient agrees to indemnify, hold harmless and defend the State, its officers, agents and employees against all claims, demands, costs, expenses or liability costs arising out of legal actions pursuant to items to which the Grant Recipient has certified. Grant Recipient acknowledges that it is solely responsible for compliance with Items to which R has certified.

G. Financial Records

1. Grant Recipient agrees to maintain satisfactory financial accounts, documents and records for the Project and to make them available to the State for auditing at reasonable times. Grant Recipient also agrees to retain such financial accounts, documents and records for three years following project termination or completion.

Grant Recipient and State agree that during office hours each of the parties hereto and their duly authorized representatives shall have the right to inspect and make copies of any books, records or reports of the other party pertaining to this contract or matters related thereto. Grant Recipient agrees to maintain and make available for inspection by the State, accurate records of all of its costs, disbursements and receipts with respect to its activities under this contract.

2. Grant Recipient agrees to use a generally accepted accounting system.

H. Use of Facilities

1. Grant Recipient agrees that the property acquired or developed with grant moneys under this contract shall be used by the Grant Recipient only for the purpose for which the grant moneys were requested and no other use of the area shall be permitted except by specific act of the Legislature.
2. Grant Recipient agrees to maintain and operate the property acquired, developed, rehabilitated or restored with grant monies in perpetuity subject to the provisions of the National Recreational Trails Fund Act. With the approval of State, the grant recipient or its successors in interest in the property may transfer the responsibility to maintain and operate the property in accordance with Section 5919.

I. Nondiscrimination

1. The Grant Recipient shall not discriminate against any person on the basis of sex, race, color, national origin, age, religion, ancestry, or physical handicap in the use of any property of facility acquired or developed pursuant to this contract.
2. The Grant Recipient shall not discriminate against any person on the basis of residence except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence and pursuant to law.
3. All facilities shall be open to members of the public generally, except as noted under the special provisions of this contract.

J. Application Incorporation

The Application and any subsequent change or addition approved by the State is hereby incorporated in this contract as though set forth in full in this contract.

K. Severability

If any provision of this contract or the application is held invalid, that invalidity shall not affect other provisions or applications of the contract which can be given effect without the invalid provision or application, and to this end the provisions of this contract are severable.

APPENDIX E

PAYMENT REQUEST FORM

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PAYMENT REQUEST

State Grant Programs

See instruction on reverse.

1. PROJECT NUMBER	2. CONTRACT NUMBER
3. APPLICANT	
4. PROJECT TITLE	
5. TYPE OF PAYMENT	
<input type="checkbox"/> ADVANCE	<input type="checkbox"/> REIMBURSEMENT <input type="checkbox"/> FINAL

6. PAYMENT INFORMATION
(ROUND ALL FIGURES TO THE NEAREST DOLLAR)

a. Grant Project Amount	\$
b. Funds Received To Date	\$
c. Available (a. minus b.)	\$
d. Amount of This Request	\$
e. Remaining Funds After This Payment (c. minus d.)	\$

7. SEND WARRANT TO

AGENCY NAME		
STREET ADDRESS		
CITY / STATE / ZIP CODE		
ATTENTION		
8. SIGNATURE OF PERSON AUTHORIZED IN RESOLUTION	TITLE	DATE

FOR CALIFORNIA DEPARTMENT OF PARKS AND RECREATION USE ONLY

PAYMENT APPROVAL SIGNATURE	DATE
----------------------------	------

DPR 212 (Rev. 2/91) (Front)

SEE INSTRUCTION ON REVERSE

STATE GRANT PROGRAMS

PAYMENT INSTRUCTIONS

One Payment Request Form must be submitted for each grant project

The following instructions are keyed to corresponding items on the Payment Request Form.

PROJECT NUMBER -- The number assigned by the State to this project.

CONTRACT NUMBER -- As shown in the Certification of funding section of the project agreement.

APPLICANT -- Agency name as shown on the project agreement.

PROJECT TITLE -- Title of project for which payment is requested.

TYPE OF PAYMENT -- Check appropriate box.

PAYMENT INFORMATION --

A. Grant Project Amount - *The amount of state grant funds assigned to this project.*

B. Funds Received to Date - *Total amount already received for this project.*

C. Available - *(a. minus b.)*

D. Amount of This Payment Request - *Amount that is being requested.*

E. Remaining Funds after This Payment - *(c. minus d.)*

SEND WARRANT TO -- Agency name, address and contact person.

SIGNATURE OF PERSON AUTHORIZED IN RESOLUTION -- Must be an original signature by the person authorized in the application resolution.

APPENDIX F

PROJECT COMPLETION PACKET

PROJECT COMPLETION STATE PARK GRANT PROGRAMS

This packet will assist in the preparation of documents necessary to complete State grant projects. Any questions should be directed to State staff.

1. READ ALL MATERIALS IN THIS PACKET. Share it with individuals who will be preparing the financial documents.
2. Use this packet for all State grant programs. Make copies of the forms as needed.
3. FORMS: The forms in this packet have been designed for your convenience. You may elect to use another format provided that all requested information is presented in a clear and concise manner.
4. REMEMBER, YOU ARE REQUIRED TO KEEP SOURCE DOCUMENTS FOR ALL EXPENDITURES RELATED TO EACH GRANT FOR AT LEAST THREE YEARS FOLLOWING PROJECT COMPLETION. A project is considered complete upon receipt of final grant payment from the State.
5. The specific State grant program procedural guide provides further information on project administration. NOTE: This packet replaces the "Support Material for Final Payment" list in the guides and contains a revised payment request form (DPR 212), dated 2/91, which replaces previous payment request forms.

PROJECT COMPLETION CHECKLIST

Please submit the following documentation to receive final payment for the grant project. Incomplete documentation may result in a delayed payment.

REQUIRED:

1. Payment Request Form (attached) – One copy of the payment request form, DPR 212, signed by person authorized in application resolution.
2. Project Certification Form (attached) – Insure that the form is completely filled out and signed by the agency representative responsible for fiscal accountability.
3. Project Cost Summary Form (attached) – Use this form for final payment requests and reimbursement requests to summarize all project costs. Include warrant number, date, recipient, purpose (i.e. construction contract, fencing materials) and amount.

IF APPLICABLE:

4. Labor Costs Summary Form (attached) – Summarize any in-house labor costs charged to the project; the summary should note the location of source documentation to verify the summary (i.e., journal voucher number, work authorization, etc.). You may claim standard hourly wages plus benefits; no overhead.
5. Equipment Cost Summary Form (attached) – include type of equipment, dates, amount, work performed. Indicate how the rate was obtained (i.e., Department of Transportation standards).

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PAYMENT REQUEST

State Grant Programs

See instruction on reverse.

1. PROJECT NUMBER	2. CONTRACT NUMBER
3. APPLICANT	
4. PROJECT TITLE	
5. TYPE OF PAYMENT	
<input type="checkbox"/> ADVANCE	<input type="checkbox"/> REIMBURSEMENT <input type="checkbox"/> FINAL

6. PAYMENT INFORMATION
(ROUND ALL FIGURES TO THE NEAREST DOLLAR)

a. Grant Project Amount	\$
b. Funds Received To Date	\$
c. Available (a. minus b.)	\$
d. Amount of This Request	\$
e. Remaining Funds After This Payment (c. minus d.)	\$

7. SEND WARRANT TO

AGENCY NAME		
STREET ADDRESS		
CITY / STATE / ZIP CODE		
ATTENTION		
8. SIGNATURE OF PERSON AUTHORIZED IN RESOLUTION	TITLE	DATE

FOR CALIFORNIA DEPARTMENT OF PARKS AND RECREATION USE ONLY

PAYMENT APPROVAL SIGNATURE	DATE
----------------------------	------

DPR 212 (Rev. 2/91) (Front)

SEE INSTRUCTION ON REVERSE

STATE GRANT PROGRAMS

PAYMENT INSTRUCTIONS

One Payment Request Form must be submitted for each grant project

The following instructions are keyed to corresponding items on the Payment Request Form.

- 1) PROJECT NUMBER -- The number assigned by the State to this project.
- 2) CONTRACT NUMBER -- As shown in the Certification of funding section of the project agreement.
- 3) APPLICANT -- Agency name as shown on the project agreement.
- 4) PROJECT TITLE -- Title of project for which payment is requested.
- 5) TYPE OF PAYMENT -- Check appropriate box.
- 6) PAYMENT INFORMATION --
 - a) Grant Project Amount - *The amount of state grant funds assigned to this project.*
 - b) Funds Received to Date - *Total amount already received for this project.*
 - c) Available - *(a. minus b.)*
 - d) Amount of This Payment Request - *Amount that is being requested.*
 - e) Remaining Funds after This Payment - *(c. minus d.)*
- 7) SEND WARRANT TO -- Agency name, address and contact person.
- 8) SIGNATURE OF PERSON AUTHORIZED IN RESOLUTION -- Must be an original signature by the person authorized in the application resolution.

PROJECT CERTIFICATION FORM

AGENCY:_____ PROJECTNUMBER:_____

AGENCY CONTACT FOR AUDIT PURPOSES NAME:_____

ADDRESS:_____

PHONE:(_____)_____

PROJECT DESCRIPTION – List facilities developed and/or property acquired:

LIST OTHER FUNDS ON PROJECT (SOURCES AND AMOUNTS):

INTEREST EARNED ON ADVANCE GRANT FUNDS: \$_____

HAS A NOTICE OF COMPLETION BEEN FILED? YES____ NO____
IF NO, PLEASE EXPLAIN:

CERTIFICATION:

I hereby certify that all grant funds were expended on the above named project(s) and that the project(s) is complete and we have made final payment for all work done.

Agency Fiscal Representative, Title

Date

PROJECT COSTS SUMMARY FORM

Project Number _____

Warrant Number	Date	Recipient	Purpose	Amount
-------------------	------	-----------	---------	--------

Total labor Costs (from attached form)
Total Equipment Costs (from attached form)

\$ _____
\$ _____

Grand Total \$ _____

LABOR COSTS SUMMARY FORM

Project Number _____

Work Authorization #	Unit Performing Work	Dates/ Pay Period	Purpose	Amount
-------------------------	-------------------------	----------------------	---------	--------

(Carry Total forward to Project Costs Summary Form)

Total \$ _____

EQUIPMENT COSTS SUMMARY FORM

Project Number_____

Type of Equipment	Dates	Work Performed	Amount
-------------------	-------	----------------	--------

(Carry Total forward to Project Costs Summary Form

Total \$_____

APPENDIX G

ENVIRONMENTAL COMPLIANCE

ENVIRONMENTAL COMPLIANCE

Applicants must demonstrate compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). The applicant may do so by submitting either (a), (b), or (c) below, as appropriate.

- (a). Notice of Exemption stamped by the county clerk, and Environmental Certification (attached);
- (b). Negative Declaration and initial study including the checklist and Notice of Determination stamped by the county clerk with State Clearinghouse response;
- (c). Final EIR with initial study including the checklist and Notice of Determination with State Clearinghouse response.

EXCLUSION CATEGORIES TO BE USED WITH THE ENVIRONMENTAL CERTIFICATION FORM

For the purposes of complying with NEPA, the following four categories of RTP grant projects do not constitute major actions significantly affecting the quality of the human environment. Therefore, they do not require preparation of an environmental assessment to determine the need for an environmental impact statement. The following four areas are categorical exclusions:

- 1. Grants for acquisition of areas which will continue in the same or lower density use with no additional disturbance to the natural setting.
- 2. Grants for replacement or renovation of facilities at their same location without altering the kind and amount of recreational, historical, or cultural resources of the area, or the integrity of the existing setting.
- 3. Grants for construction of facilities on lands acquired under a previous federal grant, provided that the development is in accord the plans submitted with the acquisition grant
- 4. Grant for construction of new facilities in an existing park or recreation area, provided that the facilities will not:
 - a. conflict with the adjacent ownership or land use or cause a nuisance to adjacent owners or occupants (e.g., extend use beyond daylight hours);
 - b. introduce motorized recreation vehicles;
 - c. introduce active recreation pursuits into a passive recreation area;
 - d. increase use or introduce non-compatible uses to the extent of compromising the nature and character of the property or causing physical damage to it; or,
 - e. add or alter access to the park from the surrounding area.
- 5. Grants for educational materials and programs (**motorized only**).
- 6. Grants for expenditures to maintain existing trails (**motorized only**).

Exceptions

The following exceptions apply to individual actions within the categorical exclusions. Environmental assessments must be prepared for actions that may:

1. Have significant effects on public health or safety.
2. Adversely affect such unique geographic characteristics as historic or cultural resources, park, recreation, or refuge lands, wilderness areas, wild or scenic rivers, sole or drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the National Register of Natural Landmarks.
3. Have highly controversial environment effects.
4. Have highly uncertain environmental effects or involve unique or unknown environmental risks.
5. Establish a precedent for future action or represent a decision in principle about a future consideration with significant environmental effects.
6. Be related to other actions which are individually insignificant but which have cumulatively significant environmental effects.
7. Adversely affect properties listed or eligible for listing on the National Register of Historic Places.
8. Affect species listed or proposed to be listed on the List of Endangered or Threatened Species.
9. Threaten to violate a federal, state, local or tribal law or requirements imposed for protection of the environment or which require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act.

RECREATIONAL TRAILS PROGRAM Federal Environmental Certification

To be completed by the applicant: (Check either **1 or 2**).

NAME OF PROJECT _____

On the basis of my review:

____ 1. I conclude that it qualifies for exclusion under categorical exclusion number ____
(see page 41),

OR

____ 2. The adverse impact will be mitigated to insignificance.
(Environmental Study attached).

Authorized Representative

Date

Title

To be completed by the State:

Based on a review of the application and supporting documentation, we have determined that the proposed project meets the criteria for the NEPA categorical exclusion identified above.

State Official

Date

Title

To be completed by the FHWA:

We Concur:

FHWA Official

Date

Title

APPENDIX H

SHPO MEMORANDUM OF UNDERSTANDING

MEMORANDUM OF UNDERSTANDING

The applicant and the state must determine that the proposed project does not adversely affect any historic or archeological resources. The attached memorandum of understanding outlines a process to insure that outcome. The applicant should:

1. Read the memorandum of understanding to determine your responsibilities.
2. Fill in the name of your agency and the project and sign where appropriate.
3. Submit the form as a part of the application.

COMPLIANCE WITH HISTORIC PRESERVATION ACT MEMORANDUM UNDERSTANDING – RTP GRANT

APPLICANT: _____
PROJECT(S): _____

I have determined that the applicant's acquisition and/or development project's will not adversely affect cultural properties included in or eligible for inclusion in the National Register of Historic Places. This determination is contingent upon the applicant's concurrence that any plans for development, not to exclude minor improvements involving ground disturbance, will be submitted to the State Historic Preservation Officer for review and comment at the earliest opportunity. In the event that development plans will not be formulated and/or implemented by the applicant, but by another agency or group, the applicant will assume the responsibility for ensuring that all provisions and stipulations contained herein are executed, as needed, jointly with that agency or group or independently by the agency or group. This determination is further contingent upon the applicant's commitment to implement in good faith the following program of compliance with 36 CFR 800, Executive Order 11593 and Section 106 of the National Historic Preservation Act of 1966, as amended.

1. The applicant accepts the premise that proper cultural resources identification. Evaluation and management will be an integral part of the planning process for the project(s).
2. Accordingly, prior to the commencement of any physical development activity, the applicant or his designee will arrange to have appropriately qualified professionals perform such investigations as may be necessary to:
 - a. Identify, evaluate and manage any cultural values located within the project(s)'s potential area of environmental impact that are included in or may be eligible for inclusion in the National Register of Historic Places.
 - (1) If, after consultation with the State Historic Preservation Officer, any values not already included in the National Register are determined to be eligible for inclusion in the National Register, the applicant or his designee will nominate them to the Register according to established procedures. Nominations shall be submitted to the State Historic Preservation Officer no later than six months after the adoption of a final development plan.
 - b. Determine, in consultation with the State Historic Preservation Officer, if and to what extent, these values may be adversely affected by planning, development, operation and maintenance activity.
 - c. Develop and implement prudent and feasible measures, acceptable to the applicant or his designee and the State Historic Preservation Officer, capable of

either effectively mitigating or avoiding adverse effects on National Register and National Register values. Avoidance and protection will be preferred objectives. However, should discussions indicate that only something less is achievable, that course action which is likely to cause the least unnecessary damage to these values will proceed.

Documentation of compliance with each of these stipulations as needed will be submitted to the State Historic Preservation Officer of review and comment in a timely fashion.

The applicant or his designee will unilaterally determine the time most suitable for the commencement of cultural resource investigations acknowledging, however, that:

1. They will constitute a part of the planning process providing data for sound, advance-planning decisions.
2. They will be completed before a final development plan is adopted and any physical activity begins.

Failure to comply with any of the provisions and stipulations therein contained shall constitute ground for revocation of a no adverse effect determination and shall require full application compliance with the Advisory Council procedures.

By _____ *Authorized Representative*

Date _____

To Be Completed By State

By _____ *STATE HISTORIC PRESERVATION OFFICER*

Date _____

End of Document
